

Department of Economic Opportunity (DEO)

Workforce Innovation and Opportunity Act (WIOA) Work-Based Learning and Work-Based Training for Adults and Dislocated Workers – Consultation Matrix

<u>Policy Section</u>	<u>Stakeholder Comment</u>	<u>Submitted by</u>	<u>Policy Language Change</u>	<u>DEO Comments</u>	<u>Authority</u>
IV.A. Work-Based Learning	<p>Page 2 of 21 – A. Work-Based Learning – “The following work-based learning activities are considered individualized career services under WIOA: work experience and internships, transitional jobs and pre-apprenticeship programs.”</p> <p>On page 5 of 21, it says “Transitional jobs must be recorded in Employ Florida using service code 306 (Transitional Jobs) and include the required documentation/case note that aligns with the requirements prescribed in the Employ Florida Service Code Guide.”</p> <p>Traditionally, 300 codes have been identified as training codes. Therefore, the 306 Activity code may inadvertently be construed to be a training code, which seems contradictory to the definition as an individualized career service. Might it be helpful to retire the 306 code and create a new “individualized career services” code for Transitional Jobs to avoid confusion or misinterpretation?</p>	LWDB 19	No	Historically, the 300-level service codes were used to identify training service codes. However, the 300-level service codes have been expanded to include both training services and individualized career service codes. As a result, DEO has opted to retain service code 306 as transitional jobs.	Employ Florida Service Code Guide TEGL 10-16, Change 1, Attachment 7A
	Do work based learning activities have a requirement to be tied to a Local Targeted occupation like OJT is? Based on the goals of the activities, I can understand there not needing to be a direct connection but want to confirm.	LWDB 18	No	No. Since work-based learning activities are considered individualized career services, there is not a requirement for work-based learning activities to occur in occupations that are on the local targeted occupations list.	TEGL 19-16

Section IV.A.2. Transitional Jobs	<p>“LWDBs must combine transitional jobs with comprehensive career services and supportive services. Also, LWDBs are encouraged to provide transitional job participants with job readiness training in combination with the transitional job.”</p> <p>This reads as if support services are a requirement for transitional employment. Are you saying that all Transitional job placements, must also receive support services as well?</p>	LWDB 18	No	Yes. This language is consistent with the requirements in TEGL 19-16, Section 5. Transitional Jobs.	TEGL 19-16
Section IV.A.2. Transitional Jobs	<p>“Transitional jobs take place within the context of an employee-employer relationship in which the program provider generally acts as the employer.”</p> <p>“Program provider”...define, please. Is it the lwdb/local service provider, or can it be a contracted employer of record/temp agency?</p>	LWDB 6	No	The program provider is the local service provider of career services.	TEGL 19-16
	<p>“LWDBs must combine transitional jobs with comprehensive career services and supportive services. Also, LWDBs are encouraged to provide transitional job participants with job readiness training in combination with the transitional job. what if those career/support services are being provided by a partner agency.” Are we to duplicate?</p>	LWDB 6	No	No. In keeping with one of the core principles of WIOA, LWDBs must develop policies and procedures to ensure coordination with other entities to ensure non-duplication of resources and services.	TEGL 19-16
	<p>“LWDBs that offer transitional jobs must identify appropriate employers.” Appropriate seems subjective. Are there particular standards that need to be met (other than agreement execution)? Do we have to document how we arrived at the decision of them being “appropriate?” Am I overthinking this?</p>	LWDB 6	No	The term “appropriate” refers to employers in the public, private, or non-profit sectors that will provide work experience activities designed to enable individuals to establish work histories, demonstrate success in the workplace, and develop skills that lead to unsubsidized employment.	TEGL 19-16
Section IV.A.3. Pre-Apprenticeship Programs	<p>“When a pre-apprenticeship program is included on the local Eligible Training Provider List (ETPL), the appropriate training service for occupational skills training, service code 300 (Occupational</p>	LWDB 6	Yes	The policy language has been updated.	Employ Florida Service Code Guide

	Skills Training – Approved Provider ITA)) should be recorded in Employ Florida.” I feel like if should go further and say, “...included on the ETPL and an ITA has been issued, the appropriate training service for occupational skills training...”				TEGL 19-16
Section IV.B. Work-Based Training	“As work-based training meets one of the training exceptions described in 20 CFR 680.320(a)(1), LWDBs may use contracts for these training services instead of an ITA.” Help me understand a scenario where we would/could/should use an ITA for Work-based training. “May” indicates to me that we don’t have to use a contract at all which goes against everything I understand work-based training to be...essentially the employer becomes the training provider (or training broker) and we reimburse them for doing so. What is the mechanism for reimbursing the employer if we only have an ITA?	LWDB 6	No	As indicated in the policy and federal regulations, work-based training activities are considered training services under WIOA. Training services must be delivered through an Individual Training Account (ITA) or a contract. Work-based training meets one of the training exceptions described in 20 CFR 680.320(a)(1) which allows LWDBs to use contracts for these services. The term “may” is simply distinguishing the exception described in the referenced regulation which allows a contract to be used for work-based training instead of an ITA. Additionally, a LWDB may determine that providing training through a combination of ITAs and contracts is the most effective approach. This approach could be used to support placing participants in programs such as Registered Apprenticeships and other similar types of training.	TEGL 19-16 20 CFR 680.320(a)(1)
	Is there any requirement for in-demand occupations or targeted industries?	LWDB 6	No	If occupational skills training is a part of the service strategy, it is strongly recommended that LWDBs, to the greatest extent possible, provide work-based training opportunities linked to occupations in-demand in the local area. It is understood that there are instances where this will not be the case.	N/A

<p>Section IV.B.2.A. Specific Requirements of an Employer</p>	<p>“Generally, customized training is:</p> <ul style="list-style-type: none"> (1) For training newly or recently hired employees and not for retraining existing employees (as incumbent worker training is typically seen as the best option when being used as a layoff aversion strategy)¹. (2) Classroom based. <p>Provided by a third party for the employer.” I disagree with the section in its entirety, especially if customized training is “designed to meet the specific requirements of an employer...” Regardless, either it is ‘this’ or it isn’t ‘this.’</p>	<p>LWDB 6</p>	<p>No</p>	<p>This language aligns with the response in the Preamble for 20 CFR 680.770.</p>	<p>20 CFR 680.770</p>
<p>Section IV.B.2.b. Significant Portion of the Cost of Training</p>	<p>“LWDBs must define “a significant portion of the cost of training” in their local operating procedures factoring in the size of the employer and other factors the LWDB determines are appropriate, such as:</p> <ul style="list-style-type: none"> (1) The number of employees participating in training. (2) Wage and benefit levels of those employees (at present and anticipated upon completion of the training). (3) Relation of the training to the competitiveness of a participant. (4) Other employer-provided training and advancement opportunities.” <p>Is there a policy/TEGL/etc. reference on this? I can’t seem to locate it for cross reference.</p>	<p>LWDB 6</p>	<p>No</p>	<p>This information may be found in TEGL 19-16, Section 12. Customized Training.</p>	<p>TEGL 19-16</p>

¹ However, there may be instances where customized training is appropriate in that circumstance.

<p>Section IV.B.4. Registered Apprenticeship</p>	<p>“LWDBs may also fund registered apprenticeships through customized training, OJT, and/or IWT.”</p> <p>When a Registered apprentice is being served through IWT, is there a specific way we should record this in EF when the Apprentices is not being served through AD/DW?</p> <p>The IWT application does not allow LWDB’s to identify the RA [Registered Apprenticeship] at enrollment. A Non- ITA Registered apprenticeship Activity 329 will not allow for a Training provider to be tagged when it is participant is only determined IWT eligible, or the 329- service code is tagged with IWT as the funding source.</p> <p>TEGL 19-16 states “Participants who are placed into a registered apprenticeship with WIOA funds or individuals in a registered apprenticeship at the time of program entry must be identified in PIRL element 931. In addition to the other required reporting elements, individuals who receive RA training services funded in whole or in part from WIOA under either an Individual Training Account (ITA) or through a contract (e.g., OJT) must be reported under code value 09 on PIRL element number 1303 (or elements 1310 or 1315 if the participant is in receipt of multiple types of training).”</p> <p>Using IWT eligibility only does not allow for us to Tag the participant as being in a RA within the WIOA application.</p>	<p>LWDB 18</p>	<p>No</p>	<p>These are valid points that DEO will explore possible solutions for.</p> <p>In the meantime, LWDBs should follow the guidance provided in the policy that aligns with the service(s) the apprentice is being provided by the LWDB.</p>	<p>TEGL 19-16</p>
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Section IV.C. Individual Employment Plan	If their service is via a contract with the employer...at the request of the employer...is the IEP necessary?	LWDB 6	No	Yes. Individual Employment Plans (IEPs) are required for each participant enrolled in work-based learning, including work-based training, except for participants in IWT.	TEGL 19-16
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